

UNITED STATES DISTRICT COURT WESTERN DISTRICT
OF TENNESSEE EASTERN DIVISION

FILED BY S DC
05 JUN -3 PM 3:46
ROBERT R. DI TROIA
CLERK OF U.S. DIST. CT.
W.D. OF TN-JACKSON

JAMES A. FOSTER, AND WIFE,
JUNE M. FOSTER; FRANCES
VEAZEY and SECURITY BANK
& TRUST COMPANY

PLAINTIFFS

V.

CASE NUMBER: 1-05-1066-T An

AMERICAN DAIRY QUEEN
CORPORATION

DEFENDANT

SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates are
established as the final dates for:

INITIAL DISCLOSURES (Rule 26(a)(1): June 21, 2005

JOINING PARTIES:

for Plaintiff: August 5, 2005

for Defendant: September 5, 2005

AMENDING PLEADINGS:

for Plaintiff: August 5, 2005

for Defendant: September 5, 2005

COMPLETING ALL DISCOVERY: December 5, 2005

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES AND
REQUESTS FOR ADMISSIONS:** December 5, 2005.

(b) **EXPERT DISCLOSURE:**

(i) **Plaintiff's experts:** October 5, 2005

- (ii) **Defendant's Experts:** November 4, 2005
- (iii) **Supplementation under Rule 26(e):** November 14, 2005
- (c) **DEPOSITIONS OF EXPERTS:** December 5, 2005
- FILING DISPOSITIVE MOTIONS:** February 3, 2006
- FINAL LIST OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):**
 - (i) **for Plaintiff:** March 17, 2006
 - (ii) **for Defendant:** April 3, 2006

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial in this matter is expected to last two days and is SET for NON-JURY Trial on May 3, 2006, at 9:30 a.m.. A joint Pre-Trial Order is due on April 21, 2006.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12,56,59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

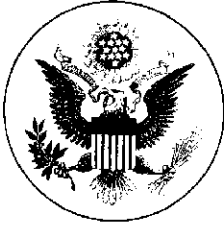
It is so ORDERED.

Enter this 02 day of June, 2005.

S. Thomas Cundin USMS
Judge

Steve Greer
Steve Greer, BPR # 9782
Attorney for Plaintiffs

Gregory Merz by Steve Greer
Gregory Merz, MN ATTY I.D. 185942 *with*
Admitted *pro hac vice* *permission*
Attorney for Defendant



Notice of Distribution

This notice confirms a copy of the document docketed as number 13 in case 1:05-CV-01066 was distributed by fax, mail, or direct printing on June 6, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT